

REMARKS

In Response to the Office Action dated October 6, 2003, claims 1, 3-6 26, and 31-33 have been canceled. Claim 27 has been amended and new claims 34-37 have been added. Claims 16-20, 22, 25, 27 and 34-37 are in the application. Reconsideration is respectfully requested.

Applicants gratefully acknowledge the Examiner's indications that claim 27 is allowable. Claim 27 has been amended to more generally recite the use of a data-transmitting device for reading data indicia. New dependent claims 34 and 37 recite that the data indicia is a bar code (as previously recited in claim 27) or a radio frequency tag, respectively, and dependent claims 35 and 36 recite the use of a laser scanner and an imager. The amendments are fully supported by the disclosure as filed and are specifically addressed in the Specification on pp. 5-6. Applicants believe that claim 27, as amended, as well as dependent claims 34-37 are also allowable over the prior art.

Claims 1, 3-6, 16-19, 22, 25, 26, 29, 34, and 35 have been rejected under 35 U.S.C. § 103(a) as being obvious over U.S. Patent No. 5,873,070 to Bunte et al. (previously cited) in view of newly cited U.S. Patent No. 6,149,063 to Reynolds et al. The Examiner contends that Bunte discloses a portable data collection device as generally recited in the claims, that Reynolds discloses a method and system for using a bar code to associate a device with a wireless network, that it would have been obvious to combine the teachings of Bunte with those of Reynolds, and that the combination would result in the invention recited in the rejected claims. Applicants respectfully disagree.

The Examiner has rejected independent claim 16 as being obvious over Bunte in combination with Reynolds. Applicants initially note that the Examiner has not articulated any specific grounds for the rejection of claim 16 other than a bare citation to Bunte and Reynolds. Regardless, the combination, even if proper, would not result in the invention of claim 16.

Independent claim 16 is directed to a data collection system in which the recited portable data collection device has a display, wherein a processor is configured to show a keypad array on the

display, the keypad array including a start scan key. Claim 16 further recites that the processor is configured to “reconfigure the position of the start scan key on the display to depict a start scan key for a right handed user and for a left handed user.” Thus, the processor is configured to adjust the position of the start scan key, as shown on the display, as appropriate for the hand with which the device is being used.

Although the device disclosed in Bunte can include a touch panel display, Bunte does not teach reconfiguring a start scan button as recited in claim 16. Reynolds does not address the device display and therefore does not cure the deficiency of Bunte with respect to claim 16. Accordingly, the rejection of claim 16, as well as dependent claims 17-20 and 22-25 is improper and should be withdrawn.

The Examiner has also rejected independent claim 29 as being obvious over Bunte in combination with Reynolds. The Examiner contends that the cited references disclose housing a device in a belt and that therefore the combination discloses the claimed invention. Applicants respectfully disagree.

In order for a claim to be properly rejected under 35 U.S.C. § 103, there must not only be a teaching or suggestion to combine the references, but the combination must also disclose each and every feature recited in the rejected claims. The Examiner cites to the disclosure of housing a device in a plastic or foam belt. However, this vague reference to structure is not a disclosure of a portable data collection device having a housing with “two separate sections having bosses for connecting the sections together and wherein the bosses are overmolded with shock resistant material to provide a shock mount for components in the housing” as specifically recited in claim 29. Because neither Bunte nor Reynolds disclose this structure, the rejection of claim 29 as being obvious over Bunte in view of Reynolds is improper and should be withdrawn. However, should the Examiner believe that each and every feature recited in claim 29 is disclosed in the proposed combination of references, applicants respectfully request that the Examiner cite to the specific portions in the references that disclose the features recited in claim 29.

In order to focus the issues before the Examiner and expedite prosecution of this application, claims 1, 3-6, 26, 34, and 35 have been canceled. Accordingly, the rejection of these claims is moot. The cancellation of these claims should not be considered as an admission that the applicants agree with the Examiner's position.

CONCLUSION

Each and every issue raised by the Examiner has been addressed by the above amendments and remarks. Withdrawal of the present rejections and reconsideration is requested. However, should the Examiner believe it would advance the progress of the application; the Examiner is invited to telephone the undersigned at the number below.

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Respectfully submitted,

A handwritten signature in black ink, appearing to read "Mitchell S. Feller", written over a horizontal line.

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